

**BOARD OF ASSESSMENT APPEALS,  
STATE OF COLORADO**

1313 Sherman Street, Room 315  
Denver, Colorado 80203

**Docket No.: 63641**

Petitioner:

**STARKMAN PROPERTIES LLC,**

v.

Respondent:

**ARAPAHOE COUNTY BOARD OF  
COMMISSIONERS.**

**ORDER**

**THIS MATTER** was heard by the Board of Assessment Appeals on October 6, 2014, Debra A. Baumbach and MaryKay Kelley presiding. Carole Starkman appeared pro se on behalf of Petitioner. Respondent was represented by George Rosenberg, Esq. Petitioner is protesting the 2011 actual value of the subject property.

The parties stipulated to the value of the subject's equipment building at \$5,000.

Subject property is described as follows:

**23700 East Alameda Avenue, Aurora, Colorado  
Aurora County Schedule No. 1977-00-0-00-133**

The subject is a vacant 9.55 acre residential parcel located east of Gun Club Road in a rural area of horse properties with single family homes. Classification is agricultural. Utilities are available. The only improvement on the subject parcel is a 2,520 square foot metal equipment building.

Respondent assigned a value of \$225,000 for the subject property (\$220,000 for land and \$5,000 for the improvement). Petitioner is requesting a value of \$215,000.

Ms. Starkman testified that the 133% increase in actual value was unjustified. The lowest values in many years occurred during the subject's base period.

Ms. Starkman presented ten neighboring properties for an equalization argument. Acknowledging that all ten were residentially improved and following a discussion about equalization, she agreed that none were comparable to the subject and that an equalization argument was not supported by market analysis.

Ms. Starkman acknowledged the scarcity of comparable sales. She did not present a market analysis.

Respondent's witness, Jesse Bequette, Licensed Appraiser for the Arapahoe County Assessor's Office, presented a Market Approach for the subject's 9.55 acres with five comparable sales. One of the sales was similar in size at 9.32 acres, three were smaller at 2.41 and 2.45 acres, and one was larger at 35 acres. After adjustments, prices ranged from \$24,141 to \$48,930.75. Mr. Bequette, placing most weight on Sales One and Five, reconciling to a value of \$238,750.

Mr. Bequette presented a Cost Approach that included the above vacant land valuation plus the stipulated \$5,000 for the improvement. His value conclusion of \$243,750 supports the assigned value of \$225,000.

Petitioner presented insufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2011.

In review of Respondent's market analysis, the Board finds that Sale One is the only valid comparison due to size most similar to the subject. While it has the lowest sale price, it is significantly impacted by proximity to E-470 and related zoning overlays and views.

Both our State Constitution and statutes require use of the Market Approach to value vacant sites. Petitioner failed to present any alternative sales and did not convince the Board that Respondent's data was flawed.

## **ORDER:**

The petition is denied.

## **APPEAL:**

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-nine days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation for assessment of the county wherein the property is located, may petition the Court of

Appeals for judicial review according to the Colorado appellate rules and the provision of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-nine days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation for assessment of the county in which the property is located, Respondent may petition the Court of Appeals for judicial review of such questions.

Section 39-10-114.5(2), C.R.S.

**DATED and MAILED** this 13th day of October, 2014.

**BOARD OF ASSESSMENT APPEALS**

*Debra A. Baumbach*

Debra A. Baumbach  
*MaryKay Kelley*

MaryKay Kelley

I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.

*Milla Lishchuk*

